

Fulton County Superior Court  
\*\*\*EFILED\*\*\*MH  
Date: 8/7/2017 5:30:46 PM  
Cathelene Robinson, Clerk

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

DONNA CURLING, an individual; )

)

COALITION FOR GOOD )

GOVERNANCE, a non-profit corporation )

organized and existing under Colorado )

Law; )

)

DONNA PRICE, an individual; )

)

JEFFREY SCHOENBERG, an individual; )

)

LAURA DIGGES, an individual; )

)

WILLIAM DIGGES III, an individual; )

)

RICARDO DAVIS, an individual; )

)

Plaintiffs, )

)

v. )

)

**CIVIL ACTION**

**FILE NO.: 2017CV292233**

BRIAN P. KEMP, in his individual )

capacity and his official capacity as )

Secretary of State of Georgia and )

Chair of the STATE ELECTION BOARD; )

)

**DEMAND FOR  
JURY TRIAL**

DAVID J. WORLEY, REBECCA N. )

SULLIVAN, RALPH F. "RUSTY" )

SIMPSON, and SETH HARP, in their )

individual capacities and their official )

capacities as members of the STATE )

ELECTION BOARD; )

THE STATE ELECTION BOARD;

RICHARD BARRON, in his individual  
capacity and his official capacity as  
Director of the FULTON COUNTY  
BOARD OF REGISTRATION AND  
ELECTIONS;

MARY CAROLE COONEY, VERNETTA  
NURIDDIN, DAVID J. BURGE, STAN  
MATARAZZO, AARON JOHNSON,  
and MARK WINGATE, in their individual  
capacities and official capacities as  
members of the FULTON COUNTY  
BOARD OF REGISTRATION AND  
ELECTIONS;

THE FULTON COUNTY BOARD OF  
REGISTRATION AND ELECTIONS;

MAXINE DANIELS, in her individual  
capacity and her official capacity as  
Director of the DEKALB COUNTY  
BOARD OF REGISTRATION AND  
ELECTIONS;

MICHAEL P. COVENY, ANTHONY  
LEWIS, LEONA PERRY, SAMUEL  
E. TILLMAN, and BAOKY N. VU  
in their individual capacities and official  
capacities as members of the DEKALB  
COUNTY BOARD OF REGISTRATIONS  
AND ELECTIONS;

THE DEKALB COUNTY BOARD OF )  
REGISTRATIONS AND ELECTIONS; )

JANINE EVELER, in her individual )  
capacity and her official capacity as )  
Director of the COBB COUNTY )  
BOARD OF ELECTIONS AND )  
REGISTRATION; )

PHIL DANIELL, FRED AIKEN, JOE )  
PETTIT, JESSICA BROOKS, and )  
DARRYL O. WILSON in their individual )  
capacities and official capacities as )  
members of the COBB COUNTY )  
BOARD OF ELECTIONS AND )  
REGISTRATION; )

THE COBB COUNTY BOARD OF )  
ELECTIONS AND REGISTRATION; )

MERLE KING, in his individual capacity )  
and his official capacity as Executive )  
Director of the CENTER FOR ELECTION )  
SYSTEMS AT KENNESAW STATE )  
UNIVERSITY; and )

THE CENTER FOR ELECTION )  
SYSTEMS AT KENNESAW STATE )  
UNIVERSITY )

Defendants. )

**MOTION FOR LEAVE TO SERVE ELECTION CONTEST DEFENDANTS  
AND CANDIDATES BY CERTIFIED PROCESS SERVER**

COME NOW, Plaintiffs in the above-styled case to move this Court respectively to grant them leave to serve Defendants of Counts IV and V of its Complaint (“election contest claims”) and the affected candidates with special process for their election contest claims by certified process server (“Motion”). Furthermore, for the reasons described below, Plaintiffs respectfully request that this Court either grant Plaintiffs’ Motion without further briefing or set an expedited briefing schedule. A proposed order is attached as Exhibit 1.

**I. Argument and Citation to Supporting Authority**

Georgia Code Section 21-2-524(f) states that Defendants and candidates in election contest claims under Section 21-2-521 shall be served special process by sheriff.

Georgia Code Section 21-2-525(b) states that:

The court having jurisdiction of the action shall have plenary power, throughout the area in which the contested primary or election was conducted, to make, issue, and enforce all necessary orders, rules, processes, and decrees for a full and proper understanding and final determination and enforcement of the decision of every such case, *according to the course of practice in other civil cases under the laws of this state*, or which may be necessary and proper to carry out this chapter[;]

*Id.* (emphasis added). Georgia Code Section 9-11-4(b) states that, generally in actions of a civil nature, service to defendants may be rendered by certified process server.

Although the sheriff's offices have attempted service and will continue to do so, Plaintiffs seek to supplement this method of service with a private process server to facilitate service of special process in this expedited election contest. For reason of efficiency, Plaintiffs therefore request that this Court grant leave for Defendants and election candidates in their election contest claims to be served by certified process server pursuant to Georgia Code Sections 21-2-525(b) and 9-11-4(b).

Because this matter includes an election contest, Plaintiffs understand that the matter is to be handled with all due expediency. *See* O.C.G.A. 21-2-524 *et seq.* For that reason and because Plaintiffs seek the order requested so as to expedite service to Defendants and the candidates in the election contest, Plaintiffs respectfully request that this Motion be granted without the need for a briefing from Defendants or candidates or, if it deems briefing necessary, that the Court set an expedited briefing schedule.

## **II. Conclusion**

For the foregoing reasons, Plaintiffs respectfully request this Court to grant this Motion.

This 7<sup>th</sup> day of August 2017.

/s/ Bryan Ward

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# EXHIBIT 1

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

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COALITION FOR GOOD )

GOVERNANCE, a non-profit corporation )

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Plaintiffs, )

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Director of VOTER REGISTRATIONS  
AND ELECTIONS FOR DEKALB  
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MERLE KING, in his individual capacity )  
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Director of the CENTER FOR ELECTION )  
SYSTEMS AT KENNESAW STATE )  
UNIVERSITY; and )

THE CENTER FOR ELECTION )  
SYSTEMS AT KENNESAW STATE )  
UNIVERSITY )

Defendants. )

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE  
TO SERVE ELECTION CONTEST DEFENDANTS AND CANDIDATES  
BY CERTIFIED PROCESS SERVER**

With respect to Plaintiffs' Motion for Leave to Serve Election Contest Defendants  
and Candidates by Certified Process Server, it is hereby

ORDERED that Motion for Leave to Serve Election Contest Defendants and  
Candidates by Certified Process Server is GRANTED; and

ORDERED that Plaintiffs have leave to serve Defendants of Counts IV and V of  
its Complaint ("election contest claims") and the affected candidates with special  
process for their election contest claims via certified process server ("Motion").

ORDERED this \_\_\_\_ day of August 2017.

\_\_\_\_\_  
Judge Constance C. Russell

Proposed Order Submitted by:

/s/ Bryan Ward

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Georgia Bar No. 736656

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